

## Message

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**From:** Wu, Jennifer [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=885E149E9BDD4094BF34508D7454CDFA-WU, JENNIFER]  
**Sent:** 11/26/2018 6:28:27 PM  
**To:** Susan Poulsom [Poulsom.Susan@epa.gov]; Merz, Martin [merz.martin@epa.gov]  
**Subject:** WA Hydro Dams talking pts for Ecology

FYI

**From:** Wu, Jennifer  
**Sent:** Monday, November 26, 2018 10:27 AM  
**To:** Lidgard, Michael <Lidgard.Michael@epa.gov>  
**Cc:** Burgess, Karen <Burgess.Karen@epa.gov>  
**Subject:** RE: WA Hydro Dams NPDES wkly update, 11/20

Hi Mike (cc: Karen),  
I'll try to catch you sometime this morning. Here are some bullet talking/info points on the WA hydros.

### Background

- Scope – we're writing permits for 9 WA federal dams – Grand Coulee Dam (BOR), Lower Columbia River dams (Corps), Lower Snake River dams (Corps). The Corps hasn't submitted a permit application for Chief Joseph Dam (Corps), but we expect one early next year. The permits cover releases from dam discharges of oil and grease and cooling water.
- The public draft permit is expected to have numeric limits for oil and grease, pH, and temperature. There are narrative restrictions on visible oil sheen and PCBs. The permit also requires QAP, BMP, and Environmentally Acceptable Lubricants (EAL) Plans - 316(b) is still being considered in EPA HQ, so it is unclear if a 316(b) Plan will be included. We public draft permit is expected to have monitoring for oil and grease, pH, temperature, flow, PCBs, and possibly, TSS and COD.
- 401 Cert –
  - a. We submitted requests for draft 401 certifications from Ecology on September 18 (Lower Columbia), 19 (Lower Snake) and October 4, 2018 (Grand Coulee). EPA and Ecology exchanged letters on the 401 cert in mid-October. Ecology indicated they could not complete a draft 401 certification within 30 days as previously requested. EPA stated that Ecology has 60 days to respond with a draft 401 certification or will waive their rights to certification unless they request more time with an explanation of why they need it – that date is December 18, 2018.
  - b. Ecology and EPA met on October 24 to discuss the draft 401 certification and permit status. One option that all parties appeared to agree with is that Ecology and EPA staff would continue to work together on the permits, Ecology would likely submit a letter to EPA requesting more time to complete a 401 certification.

### Current Status

- Ecology and EPA staff discussions – Ecology sent comments to EPA in mid-November on the Lower Columbia and Lower Snake River dam pre-draft permits and fact sheets. There were a variety of comments related to consistency and clarification. **The biggest comments to address are PCB monitoring, additional TSS and COD monitoring, and questions on the incorporation of the upcoming Columbia River temperature TMDL.**
- EPA believes we will be able to address Ecology's comments and have a call with Ecology staff on Wednesday, 11/28, to discuss further.
  - a. We are researching different options for PCB monitoring as well as receiving additional data from the Corps on ongoing PCB monitoring.
  - b. We will consider additional TSS and COD monitoring.
  - c. We are clarifying areas identified by Ecology.
  - d. For the Columbia River temperature TMDL, it is expected this will be issued before EPA goes out for public comment on the permits. The TMDL is expected to have load allocations and wasteload allocations for the dams.

The load allocations are related to spill and temperatures behind the reservoirs. The wasteload allocations will be assigned to the permitted discharges, including the cooling water discharges that are covered by EPA's permits. Permits must incorporate WLAs, but do not have to include LAs. To date, EPA expects the WLAs for the permitted discharges to be equivalent to the current discharges with no reduction in temperature. This is because the permitted discharges in total are still very small compared to the Columbia and Snake Rivers. Therefore, EPA plans to add temperature limits that are consistent with the TMDL – this will be either a heat load equivalent portion of the total WLA – total WLA is 0.1oC increase with full mixing – or existing discharges.

- There are other issues outside of the Ecology's 401 cert that we are waiting for before we can go out for public comment, namely 316(b). Colville Tribes also has 401 certification authority for the Grand Coulee Dam.

#### Next Steps

- Is Ecology planning to send a letter to EPA asking for an extension on the 401 cert? We need to receive this by December 18, 2018 or we would consider Ecology's 401 cert authority waived.
- We plan to go out for public comment with the comments from Ecology, understanding that Ecology may consider additional permit provisions in their final 401 certification (after public comment) that might require EPA to go out for public comment a second time.
- Is Ecology planning to send official comments on the pre-draft permits and Fact Sheet? Will Ecology include other language in the letter similar to that in the Navy MS4 permit?
- Is there anything else we should know before moving forward to address Ecology's comments and going out for public comment? We would like to go out for public comment on the Lower Columbia and Lower Snake River dams around mid-December. Grand Coulee Dam would likely be end of December or early January.
- Has Ecology given further thought to the scope of their 401 certification and whether it would include conditions outside of the permits scope related to dam spill or reservoir temperatures?

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**From:** Lidgard, Michael

**Sent:** Monday, November 26, 2018 8:17 AM

**To:** Wu, Jennifer <Wu.Jennifer@epa.gov>

**Cc:** Burgess, Karen <Burgess.Karen@epa.gov>

**Subject:** RE: WA Hydro Dams NPDES wkly update, 11/20

Thanks for the update. Let's chat for a few minutes today. We have a PPA meeting with Ecology tomorrow and this topic is on the agenda so I want to make sure I understand WA's comments and our likely response. Also, I'm thinking they need to do something regarding the cert request letter we sent and the deadline we established (I can't recall the date for a response but it must be soon). thanks!

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**From:** Wu, Jennifer

**Sent:** Wednesday, November 21, 2018 3:43 PM

**To:** Opalski, Dan <Opalski.Dan@epa.gov>; Lidgard, Michael <Lidgard.Michael@epa.gov>; Soscia, Mary Lou <Soscia.Marylou@epa.gov>; Poulsom, Susan <Poulsom.Susan@epa.gov>; Weber, Courtney <Weber.Courtney@epa.gov>; Palmer, John <Palmer.John@epa.gov>

**Cc:** Merz, Martin <merz.martin@epa.gov>

**Subject:** RE: WA Hydro Dams NPDES wkly update, 11/20

Here's a short weekly update on the WA hydro dams NPDES permits. I've spent most of this week continuing to have a permit for internal review by December 5, and organized comments, developed a general schedule and plan, and focused on evaluating temperature limit options in permits. Have a good Thanksgiving!

#### Lower Columbia and Lower Snake River Dams

1. Tribal Consultation – We are meeting with Yakama Nation on Friday, November 30 in Toppenish. They provided comments to us today, 11/20. Questions are: background, status and scope of permit; enforcement of Lower Columbia River dams that have NPDES permits split between EPA and ODEQ; stormwater coverage in existing NPDES permits/PCBs; Columbia River temperature TMDL – incorporating findings.

2. Ecology Draft 401 certification communications and status – I received comments from Ecology on all the Lower Columbia River and Lower Snake River permits and Fact Sheets. They are similar. Categories of comments are temperature limits, PCBs, BMP effectiveness monitoring, monitoring frequency, COD and TSS monitoring. I have a call with Ecology next Wednesday, 11/27.
3. Columbia River Temperature TMDL – See below for update on TMDL WLAs being incorporated into permits and communications with Corps on the TMDL WLAs.
4. ODEQ 401(a)(2) downstream state. No updates
5. 316(b) and Dams – There were briefings this week at EPA HQ, but we’re waiting to hear from EPA HQ on the final decision. Dan provided sample 316(b) language in the Grand Coulee Dam and other permits.
6. ESA Consultation – No update - John has the internal draft BE to review and will talk to NOAA on their BiOp deadline, which had been previously scheduled for the end of 2018. The 316(b) decision affects ESA consultation discussions, so we are waiting to hear from EPA HQ before talking with NOAA. John is also working on other projects with urgent deadlines, so I told him ESA consultation is not holding back public notice of the permits and that working on this consultation later is okay.

### Grand Coulee

1. Draft 401 certification request to Colville Tribes and Ecology – We will need to send a response letter to Colville Tribes’ November 14, 2018 letter in response to our request for draft 401 certification. We planned to hold off until hearing word from EPA HQ on 316(b), but should respond to them by next week if we don’t hear from EPA HQ. They requested information on our expected public notice date to help for their planning efforts to provide us with a draft 401 certification. Ecology and Colville Tribes also spoke on November 14 re: the draft 401 certifications.
2. Columbia River Temperature TMDL – See below for update on TMDL WLAs being incorporated into permits and communications with Corps on the TMDL WLAs.
3. 316(b) and Dams – We’re waiting to hear from EPA HQ.
4. ESA Consultation – We have not drafted the BE for ESA consultation for the Grand Coulee Dam. We are waiting to hear from the Services on our approach on the Lower Columbia River and Lower Snake River dams and will apply the same approach.

### Overall

1. Columbia River Temperature TMDL – I worked with Susan, Martin, and others. The likely approach will be that we will set temperature increase limits for each dam, by using a portion of the 0.1oC temperature increase WLA. The portion is determined by calculating the proportional heat load from each facility compared to the total load and multiplying that by 0.1oC. I wrote a memo analyzing different options, corresponding permit limits, selecting an option, and also describing the compliance equation, and evaluating whether the point sources can meet these loads. Based on the very limited temperature available, some dams can meet the limit, and some can’t, but more data need to be collected to have a definitive conclusion.
2. Internal communications – no updates
3. External communications – I’ve been talking externally on these permits with many entities to make sure everyone is informed. Here’s a description of outreach with different groups:
  - a. Tribes – See above for communications with Yakama Nation. I sent an update to my tribal contacts last Friday.
  - b. Services – no update – see above for ESA consultation and plans to update
  - c. Federal Caucus - no update
  - d. BOR – no update
  - e. US Army Corps – no update
  - f. Columbia Riverkeeper – no update
  - g. Ecology – see above. I’m in regular communication with Ellie and will be talking with her the week after Thanksgiving on how I plan to incorporate her comments into the permit.
  - h. ODEQ – no update
  - i. BPA – no update

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